

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JAMES WIGHTMAN and  
DANETTE WIGHTMAN,

Plaintiffs,

v.

ORDER  
11-CV-807-A

VILLAGE OF WELLSVILLE,  
JAY MATTISON, CM GREEN,  
OFFICER JOHN DOE,  
OFFICER RICHARD ROE, SEAN MILLS  
and STEVEN MADDSON,

Defendants.

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The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On August 23, 2013, Magistrate Judge Schroeder filed a Report and Recommendation (Dkt. No. 20), recommending that defendants' motion for summary judgment on plaintiffs' false arrest and malicious prosecution claims be granted. The Magistrate further recommended that defendants' motion for summary judgment on plaintiffs' § 1983 claim be granted. With respect to plaintiffs' excessive use of force claim, the Magistrate recommended that defendants' motion be denied. Finally, the Magistrate recommended that plaintiffs' claims against the Village of Wellsville be dismissed with prejudice. See Dkt. No. 20.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motion for summary judgment on plaintiffs' false arrest and malicious prosecution claims is granted and defendants' motion for summary judgment on plaintiffs' § 1983 claim is also granted. With respect to plaintiffs' excessive use of force claim, defendants' motion is denied. Finally, plaintiffs' claims against the Village of Wellsville are dismissed with prejudice.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: September 13, 2013